

REMARKS

Claims 14-16 are currently canceled, claims 1-10 and 20-25 have been previously canceled, claims 11-12 and 17 are currently amended, and no new claims are added by way of this response. Thus, claims 11-13 and 17-19 are pending and presented for examination. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response To Double Patenting Rejections:

The Examiner rejected claims 11-19 under the judicially created doctrine of provisional obviousness-type double patenting. The Examiner indicated that although the subject matter of these claims is not identical to claims 28-47 of copending U.S. Patent App. No. 11/989,214, the pending claims are not patentably distinct from these claims. Applicant respectfully submits the accompanying Terminal Disclaimer in accordance with 37 C.F.R. §§ 1.321(c) and 3.73(b) in order to overcome the double patenting rejection.

Response To Rejections Under Section 112

Claims 11-19 stand rejected under 35 U.S.C. § 112, second paragraph, the Examiner contending these claims as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 11, Applicant agrees with the Examiner's interpretation and has amended claim 11 as suggested by the Examiner. The amended limitation is disclosed in paragraph 00019 of the specification. Applicant respectfully requests the Examiner withdraws the Section 112 rejection.

Response To Rejections Under Section 102

Claims 11, and 12 stand rejected under 35 U.S.C. § 102(b), the Examiner contending that these claims are anticipated by Baumann et al. (US 6,050,477).

Applicant has amended independent claim 11 to include the limitation of claim 14 “heating the solder by directly irradiating the solder with a laser beam”. Claim 14 is thereby canceled.

Regarding claim 14, the Examiner contends that Baumann teaches a temperature generated that is produced by an inductive heating source (column 2, lines 17-30). Applicant respectfully agrees with the Examiner. However, Applicant respectfully submits that Baumann does not teach “heating the solder by directly irradiating the solder with a laser beam”. By contrast, Applicant claims “heating the solder by directly irradiating the solder with a laser beam”.

Applicant has further amended claim 11 to include limitation of “choosing a speed of the laser beam relative to the component or a power of the laser beam for generating a temperature gradient in the region of the component to be repaired during the heating step to produce an oriented microstructure in the repaired site which comprises the same oriented microstructure as the surrounding base material” (Specification paragraph 00034). Since Baumann does not teach “heating the solder by irradiating the solder with a laser beam”, Baumann would not be able to teach “choosing a speed of the laser beam relative to the component or a power of the laser beam for generating a temperature gradient in the region of the component to be repaired during the heating step to produce an oriented microstructure in the repaired site which comprises the same oriented microstructure as the surrounding base material.”

In view of the above, Applicant respectfully submits that independent claim 11 is patentable.

Dependent claim 12 is patentable based on its dependency from independent claim 11 as well as based on its own merit. The Examiner contends that Baumann teaches the claimed limitation in column 2 lines 45-60. Applicant respectfully submits that Baumann only teaches that the thermal gradient is produced in the direction of the plate 4. By contrast, Applicant claims that the temperature gradient is aligned so that it extends in the direction of the orientation of the oriented microstructure of the component base material (paragraph 00036 and figure 1c).

Therefore, withdrawal of the Section 102 rejection is respectfully requested.

Response To Rejections Under Section 103

Claim 13 stand rejected under 35 U.S.C. § 103(a), the examiner contending that this claim is obvious over Baumann et al. (US 6,050,477) in view of McComas et al. (US 4,705,203).

Claim 13 stand rejected under 35 U.S.C. § 103(a), the examiner contending that this claim is obvious over Baumann et al. (US 6,050,477) in view of Pietruska et al. (US 6,503,349).

Claims 15-18 stand rejected under 35 U.S.C. § 103(a), the examiner contending that this claim is obvious over Baumann et al. (US 6,050,477) and McComas et al. (US 4,705,203) and further in view of Giglioti et al. (US 6343641).

Claims 15-18 stand rejected under 35 U.S.C. § 103(a), the examiner contending that this claim is obvious over Baumann et al. (US 6,050,477) and Pietruska et al. (US 6,503,349) and further in view of Giglioti et al. (US 6343641).

Claim 19 stand rejected under 35 U.S.C. § 103(a), the examiner contending that this claim is obvious over Baumann et al. (US 6,050,477), Pietruska et al. (US 6,503,349) and Giglioti et al. (US 6343641), and further in view of Philip (US 7,416,108).

Applicant has canceled claims 14-16. Dependent claims 13 and 17-19 are patentable based on their dependency from independent claim 11 as well as based on their own merit. Therefore, Applicant respectfully requests that the Examiner withdraws the Section 103 rejection.

Conclusion

For the foregoing reasons, it is respectfully submitted that rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejections and timely pass the application to allowance. Please grant any extension of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 05/19/10

By: 

Ye Ren
Registration No. 62,344
(407) 736-6844

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830